

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IT IS SO ORDERED.  
*s/ Dan Aaron Polster*  
DAN AARON POLSTER  
U.S. DISTRICT JUDGE

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

Dated: August 24, 2023

THIS DOCUMENT RELATES TO:

MDL No. 2804  
Case No. 17-MD-2804  
Judge Dan Aaron Polster

*All Cases*

**THE KROGER DEFENDANTS' MOTION SEEKING LEAVE TO FILE UNDER SEAL  
CONFIDENTIAL DOCUMENTS AS EXHIBITS IN SUPPORT OF THEIR OBJECTION  
TO THE ORDER REGARDING FRANCES TUCKER'S DEPOSITION**

Defendants, The Kroger Co., Kroger Limited Partnership I, and Kroger Limited Partnership II (collectively, "Kroger"), by and through their attorneys, Bowles Rice LLP, hereby file this Motion pursuant to Local Rule 5.2 seeking to file under seal confidential documents as Exhibits in support of Kroger's Objection to the Order regarding Frances Tucker's deposition, and aver as follows:

1. On June 6, 2023, Plaintiffs unilaterally noticed the deposition of Frances Tucker, who is the Senior In-House Counsel for Kroger.
2. On July 5, 2023, Kroger filed a Motion for Protective Order objecting to Plaintiffs' improper notice of the deposition of Attorney Tucker.
3. On August 8, 2023, Special Master Cohen issued an Order denying Kroger's Motion for Protective Order. (Doc. 5176.)
4. Kroger objects to the Special Master's ruling and in support of the Objection to be filed with the Court, cites to and attaches a number of discovery documents to the Objection as Exhibits, some of which have been designated as confidential pursuant to the Case Management Order No. 2: Stipulated Protective Order dated May 15, 2018. (*See* Doc. 441.)